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Date: JUNE 7, 2004

To: EXAMINER ELLIS  
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 746-7238

From: FRANK C. NICHOLAS  
Phone #: (847) 424-2521

Client/Matter No.: PHA 23,756 (7790/105)

# of Pages: 47  
(including cover sheet)

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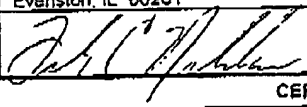
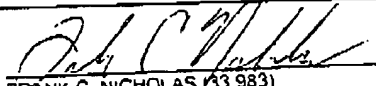
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Attorney Docket No	PHA 23,756 (7790/105)
	Application Number	09/391,647
	Filing Date	SEPTEMBER 7, 1999
	First Named Inventor	WINTHROP L. SAVILLE
	Group Art Unit	2183
	Examiner	ELLIS, R.L.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment  <input type="checkbox"/> Alter Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Extension of Time Request (duplic)  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawings  <input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Petition Raising Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change or Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Notice of Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Brief  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Post Card Receipt  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)  <input checked="" type="checkbox"/> Response to Notice of Noncompliance Dated May 20, 2004  <input type="checkbox"/>  <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		

## CALCULATION OF FEE

	Claims After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		0
Indep		Minus		0
First Presentation of Multiple Dep. Claim				

Small Entity		or	Large Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=	0		x \$18=	
x \$43=	0		x \$86=	
+ \$145=	—		+ \$290=	
total add'l fee			total add'l fee	
\$ 0			\$ 0	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 7, 2004
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted by facsimile to (703) 746-7238 to the United States Patent and Trademark Office on this date. <span style="float: right;">June 7, 2004</span>			
Signature	 FRANK C. NICHOLAS (33,983)	Date:	June 7, 2004

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(Date of Transmission)

FRANK C. NICHOLAS (33,983)  
Name of applicant, assignee or registered representative

*Frank C. Nicholas*  
Signature

June 7, 2004  
Date of Signature

PATENT  
Case No. PHA 23,756  
(7790/105)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

WINTHROP L. SAVILLE

Serial No.: 09/391,647

Filed: SEPTEMBER 7, 1999

Title: METHOD FOR FORMING VARIABLE  
LENGTH INSTRUCTIONS IN A  
PROCESSING SYSTEM

Examiner: ELLIS, R. L.

Group Art Unit: 2183

RESPONSE TO NOTICE OF NONCOMPLIANCE DATED MAY 20, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

Dear Sir

In response to the Notice of Noncompliance, Applicant herewith attaches three  
copies of an appeal brief in compliance with 37 C.F.R. §1.192(c).

June 7, 2004

Case No.: PHA 23,756 (7790/105)

Serial No.: 09/391,647

Filed: September 7, 1999

Page 2 of 2

Dated: June 7, 2004


Respectfully submitted,  
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